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10 Attorney for Defendant

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA, ) **Case No.: 2:19-cr-00053-RFB-BNW**  
14 Plaintiff, )  
15 vs. )  
16 GILBERTO G. BARRIENTOS, )  
17 Defendant. )  
18

**STIPULATION TO CONTINUE PRE-  
TRIAL MOTIONS**

19 Certification: This stipulation is timely filed.

20 **IT IS HEREBY STIPULATED** by and between , ALLISON REESE , Assistant United  
21 States Attorney, counsel for Plaintiff, UNITED STATES OF AMERICA, Defendant,  
22 GILBERTO G. BARRIENTOS, by and through his counsel DAN M. WINDER, ESQ., of the  
23 LAW OFFICE OF DAN M. WINDER, PC, that the pre-trial motions in this matter currently  
24 due by September 3, 2019, be continued to September 16, 2019.

25 This stipulation is entered into for the following reasons:

26 1. Counsel for Defendant requires additional time to review the discovery provided by the  
27 Government, and to investigate the Government's allegations as to their client.  
28 2. In addition, there are ongoing negotiation discussions between counsel for the Government  
and the defense and as such, negotiations may obviate the need for a trial in this case.  
29 3. The parties agree to the continuance sought herein.  
30 4. The Defendant does not object to the continuance in this matter.

1 5. The additional time requested herein is not sought for purposes of delay.  
2 6. Denial of this request for continuance could deny the Defendants the opportunity to effectively  
3 prepare for trial and/or result in a miscarriage of justice.  
4 7. The additional time requested by this Stipulation is excludable in computing the time within  
5 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
6 Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections  
7 3161(h)(7)(B)(i) and (ii).  
8 8. This is the first request for continuance of the pre-trial motions, Calendar Call and Trial  
9 herein.

10 DATED this 30<sup>th</sup> day of August, 2019.

12 NICHOLAS A. TRUTANICH US ATTORNEY

11  
13 LAW OFFICE OF DAN M. WINDER, PC

14 /s/ Allison Reese  
15 ALLISON REESE  
16 Assistant United States Attorney  
Nevada State Bar #13977  
501 Las Vegas Boulevard South, Ste 1100  
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28 /s/ Dan M. Winder  
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10 Attorney for Defendant

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA, ) **Case No.: 2:19-cr-00053-RFB-BNW**

14 Plaintiff, )

15 vs. )

16 GILBERTO G. BARRIENTOS, )

17 Defendant. )

18 Certification: This stipulation is timely filed. **FINDINGS OF FACT, CONCLUSIONS**  
19 **OF LAW AND ORDER**

20 **FINDINGS OF FACT**

21 Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds  
22 that:

- 23 1. Counsel for Defendant requires additional time to review the discovery provided  
24 by the Government, and to investigate the Government's allegations as to their client.
- 25 2. In addition, there are ongoing negotiation discussions between counsel for the  
26 Government and the defense and as such, negotiations may obviate the need for a trial in this  
case.
- 27 3. The parties agree to the continuance sought herein.
- 28 4. The Defendant does not object to the continuance in this matter.
5. The additional time requested herein is not sought for purposes of delay.
6. Denial of this request for continuance could deny the Defendants the opportunity to effectively

1 prepare for trial and/or result in a miscarriage of justice.

2 7. The additional time requested by this Stipulation is excludable in computing the time within  
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
4 Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections  
5 3161(h)(7)(B)(i) and (ii).

6 8. This is the second request for continuance of pre-trial motions filed herein.

7 **CONCLUSIONS OF LAW**

8 The ends of justice served by granting said continuance outweigh the best interest of the  
9 public and the Defendant in a speedy trial, since the failure to grant said continuance would be  
10 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
11 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
12 account the exercise of due diligence.

13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
14 States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code,  
15 Sections 3161(h)(7)(B)(i) and (ii).

16 **ORDER**

17 **IT IS HEREBY ORDERED** that the pre-trial motions currently due on September 3,  
18 2019 shall be and are hereby continued to the 16<sup>th</sup> day of September 16, 2019.

19 DATED this 3rd day of September, 2019.

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RICHARD F. BOULWARE, II  
23 UNITED STATES DISTRICT JUDGE  
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